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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,101	09/12/2003	Michael Mastropietro	1842.005US1	6568
70648 7590 07/10/2008 SCHWEGMAN, LUNDBERG & WOESSNER/WMS GAMING P.O. BOX 2938 MINNEAPOLIS, MN 55402				
EXAMINER WONG, JEFFREY KEITH				
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3714				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/661,101

Applicant(s)

MASTROPIETRO ET AL.

Examiner

Jeffrey K. Wong

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3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Note: Images provided by Examiner of Bob Dancer's WinPoker is achieved through screen capturing for this Office Action. As per request, the version to Bob Dancer's WinPoker used for this office action is 5.0a and can be found in Fig. 1.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-7, 9-19, 22-23, 25-28, 31, 34 rejected under 35 U.S.C. 102(b) as being anticipated by Bob Dancer's WinPoker(WinPoker)(Please refer to Fig 1-6 below and Examiner's Affidavit).

Regarding Claims 1, 26.

A method for evaluating a game outcome on a gaming machine, the method comprising:

receiving a game rules script(Fig 4), the game rules script defining a set of winning outcomes(Fig 4)(In this case, the script is viewed as the set of rules a player can choose from in terms of methods of play. It can be easily shown that Fig 4 shows of various methods of playing an electronic game which would result in differing winning

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outcomes depending on method chosen);

parsing the games rules script into a game rules data structure(Fig 5)(In this case, the data structure represents the information of the hands played for a particular method of gameplay. In this case, Jacks or Better. It should be obvious that such a data structure can be implemented for the other methods of gameplay as well); generating a game outcome(Fig 3)(In this case, the outcome is represented in the percentage data collected by the hands played during the game); and determining if the game outcome matches at least one winning outcome in the set of winning outcomes in accordance with the game rules data structure(Fig 5)(The analysis of the hands played clearly indicates the combination of all the resulting outcomes during the game).

Regarding Claims 2, 27.

The method of claim 1, wherein the set of winning outcomes comprise winning outcomes for a card game(Fig 1)(In this case, the game is used as a means for playing poker, a card game).

Regarding Claims 3, 28.

The method of claim 2, wherein the card game comprises a poker card game(Fig 1).

Regarding Claims 6, 31.

The method of claim 1, wherein each winning outcome in the set of winning outcomes comprises a set of match rules(Fig 4)(In this case, the script is viewed as the set of

rules a player can choose from in terms of methods of play. It can be easily shown that Fig 4 shows of various methods of playing an electronic game which would result in differing winning outcomes depending on method chosen), wherein the game outcome includes a plurality of game elements(In this case, a game element can be considered a card for use in the game), and wherein determining if the game outcome matches at least one winning outcome includes determining if each match rule in the set of match rules for a winning outcome matches at least one game element(Fig 3)(In this case, the matching with a game element could be viewed as the matching of the necessary cards needed to achieve a certain poker hand).

Regarding Claims 7, 23, 32

The method of claim 6, wherein the game element comprises a playing card(Fig 1)(In this case, the game is used as a means for playing poker, a card game).

Regarding Claims 9, 25, 34.

The method of claim 6, wherein determining if each match rule in the set of match rules for a winning outcome matches at least one game element includes the tasks of:

- a. comparing a game element with a match rule in the set of match rules(Fig 3)(In order for a player to achieve a certain hand, the game elements needs to be compared in order to achieve a winning outcome);
- b. if the game element matches a match rule, then:

removing the game element from the plurality of game elements to form a reduced set of gaming elements, removing the match rule from the set of match rules to form a reduced set of match rules(Fig 4)(In this case, the ability to select different methods of play can result in the reduction of match rules and gaming elements.), executing tasks a and b on the reduced set of gaming elements and the reduced set of match rules(Fig 4); and c. determining that each match rule has been matched when no rules remain in the reduced set of match rules(Fig 4).

Regarding Claim 10.

A computer-readable medium having disposed thereon a game rules script, the game rules script comprising:

text defining a set of winning outcomes for a game(Fig 3. The numbers are viewed as text); and

a set of rules for each winning outcome in the set of winning outcomes for the game(Fig 4)(In this case, winning outcomes are dependent on method of play chosen by the player);

wherein during a separate data processing step a game outcome is compared to the set of rules to determine if the game outcome matches the set of rules(Fig 5)(In this case, the outcome is compared to the rules for certain hands in order to achieve such an analysis of data).

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Regarding Claim 11.

The computer-readable medium of claim 10, wherein the set of rules include a rank matching rule(Fig 6)(In this case, the rank is viewed of the rank of the poker hand and its expected payout).

Regarding Claim 12.

The computer-readable medium of claim 11, wherein the rank matching rule defines an exact match to a rank(Fig 6)(In this case, the hands displayed are associated with a rank such a hand).

Regarding Claim 13.

The computer-readable medium of claim 11, wherein the rank matching rule defines a numerical comparison to a rank(Fig 6)(In this case, ranks are defined numerically. For instance, the highest rank equals first. Also, the payout can be viewed as the numerical comparison to the rank).

Regarding Claim 14.

The computer-readable medium of claim 10, wherein the set of rules includes a suit matching rule(Fig 6).

Regarding Claim 15.

The computer-readable medium of claim 10, wherein the set of rules includes a wild card definition rule(Fig 4)(In this case, player have the opportunity to choose of a game method that allows for wild card usage. For instance, Joker Wild).

Regarding Claim 16.

The computer-readable medium of claim 10, wherein each winning outcome in the set of winning outcomes includes a payout amount(Fig 6).

Regarding Claim 17.

A computerized gaming system comprising:

a game rules script, said game rules script including a set of winning outcomes for a game, each of the set of winning outcomes including a set of match rules(Fig 4)(In this case, the method of game play a player can choose from would obviously include the game rules and winning outcomes associated with such game rules);

a parser operable to parse the game rules script into a game rules data structure(Fig 5)(In this case, the outcomes are parsed as a means of data analysis for players to observe); and

a gaming application operable to:

generate a game outcome(Fig 5)(In this case, gaming outcomes are expected in order to generate such an array of information for analysis);

determine if the game outcome matches at least one winning outcome in the set of winning outcomes in accordance with the game rules data structure(Fig 3)(In this

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case, winning outcomes based on gaming rules are required in order to achieve an analysis).

Regarding Claim 18.

The computerized gaming system of claim 17, wherein the set of winning outcomes comprise winning outcomes for a card game(Fig 1)(In this case, poker is viewed as the card game).

Regarding Claim 19.

The computerized gaming system of claim 18, wherein the card game comprises a poker card game(Fig 1).

Regarding Claim 22.

The computerized gaming system of claim 17, wherein each winning outcome in the set of winning outcomes comprises a set of match rules(Fig 2)(In order to achieve a winning outcome, a player needs to achieve a certain result from a set of match rules), wherein the game outcome includes a plurality of game elements(In this case, the game element can be viewed as the cards), and wherein the gaming application is further operable to determine if each match rule in the set of match rules for a winning outcome matches at least one game element(Fig 5)(In this case, game elements are compared with match rules in order to achieve a

gaming winning outcome in order to analyze such information).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 4,5 8,20, 21, 24, 29, 30, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bob Dancer's Poker)(Please refer to Fig 1-6 below and Examiner's Affidavit) as applied to claim 1 above, and further in view of Mikohn Gaming Introduces Yahtzee Slot Machine(Mikon).

Regarding Claims 4, 5, 20, 21, 29-30.

WinPoker discloses the claimed invention as discussed in Claim 1 but fails to disclose wherein the set of winning outcomes comprise winning outcomes for a dice game.

However, Mikohn discloses of the implementation of the game of Yahtzee, which is a dice-related game, in the slot market. It is inherently known that incorporating analysis of outcomes of slot games is useful method of determining the highest liability possible to a casino.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the outcome analysis of WinPoker with Mikohn's Yahtzee game as a means of determining the highest liability possible for a casino that

wishes to implement Yahtzee for use.

Regarding Claims 8, 24, 33

WinPoker discloses the claimed invention as discussed in Claim 6 but fails to disclose wherein the game element comprises a playing card.

However, Mikohn discloses of the implementation of the game of Yahtzee, which is a dice-related game, in the slot market. It is inherently known that incorporating analysis of outcomes of slot games is useful method of determining the highest liability possible to a casino.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the outcome analysis of WinPoker with Mikohn's Yahtzee game as a means of determining the highest liability possible for a casino that wishes to implement Yahtzee for use.

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Fig 1

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Fig 2

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JACKS OR BETTER

File Edit Game Control Settings Performance & System Utilities

WinPoker Play Analysis

JACKS OR BETTER

Hand Name	Count	Percent
ROYAL FLUSH		
STRAIGHT FLUSH		
4 OF A KIND		
FULL HOUSE		
FLUSH		
STRAIGHT		
3 OF A KIND		
TWO PAIR		
JACKS OR BETTER		
NOTHING		

Total Hands Played: 0

Reset Selected Game Totals To Zero

Actual Results:

Coins Played... 0

Coins Won... 0

Payback %... 100.00%

Playing Errors:

Minor... 0

Moderate... 0

Major... 0

% Correct... 100.00%

Error Effect On Total Return:

Best Return... 0.0000

Your Return... 0.0000

Return %... 100.00%

Cost In Coins... 0.00%

Close

WAGER

ROYAL FLUSH
STRAIGHT FLUSH
4 OF A KIND
FULL HOUSE
FLUSH
STRAIGHT
3 OF A KIND
TWO PAIR
JACKS OR BETTER

HOLD
CANCEL

WAGER
CANCEL

WAGER
CANCEL

WAGER
CANCEL

WAGER
CANCEL

WAGER
CANCEL

WIN POKER
25¢
000000
Best Play
Default
Session
WARN
BET 1 COIN
MAX BET
DEAL
DRAW
Coins
40

Fig 3

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Fig 4

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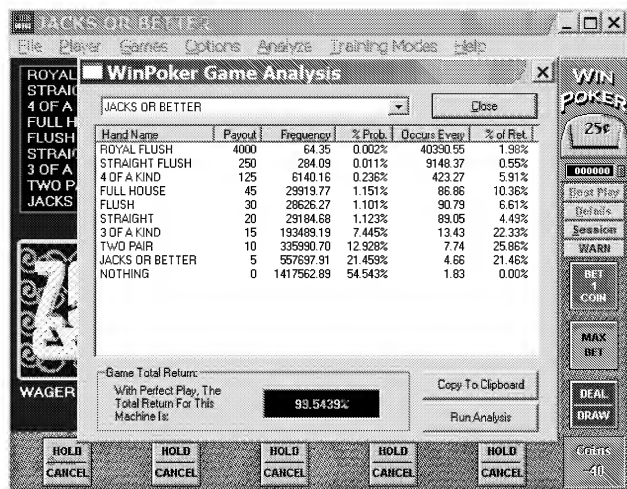


Fig 5

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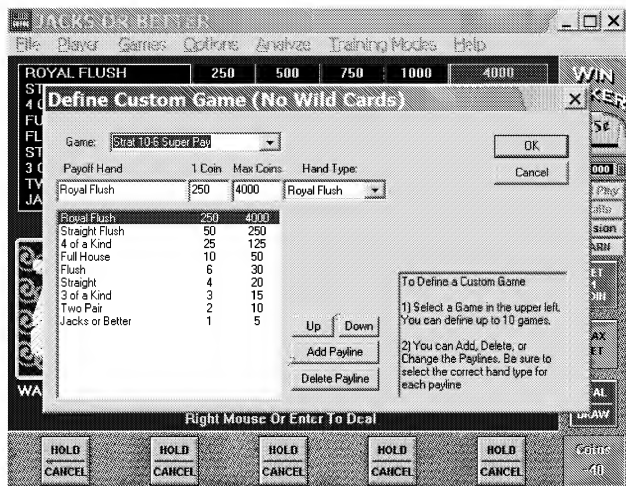


Fig 6

Response to Arguments

5. Applicant's arguments filed 3/31/2008 have been fully considered but they are not persuasive.
6. Applicant alleges that WinPoker does not disclose receiving a game rules script or parsing a game rules script, and therefore does not disclose each and every element of claim 1 and 26. Upon further review and examination of the reference used in this Office Action, the Examiner disagrees based on the new interpretation that had missed

during the Interview with the Applicant's representative. The Examiner views the reference as reading on said limitation. Fig. 6 clearly shows an option for users to define settings. Game scripts are viewed as game parameters that can be used to control game behavior. In this case, the users have the ability to alter the game behavior as well in terms of payouts. While it is believed that the applicant refers to game scripts as pre-defined programs with parameters that can be added and parsed to change the behavior of the game over its pre-existing game behavior, in this case, users are basically viewed as manually inputting these parameters that can change game behavior as well. The parsing is obvious since the parameters need to be parsed in order to be implemented and, thus, changing the behavior of the game.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey K. Wong whose telephone number is (571)270-3003. The examiner can normally be reached on M-Th 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714

JKW